



Permit No: (DMM use only)	
Bond No:	

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING
P. O. BOX 3727; CHARLOTTESVILLE, VA 22903-0727
TELEPHONE: (434) 951-6310

SURETY BOND

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED

(hereafter **PRINCIPAL**),

whose principal place of business is _____,

and who does business as a [CHECK ONE ONLY]: ☐ Corporation; ☐ Limited Partnership;
☐ Limited Liability Company; ☐ Partnership; or ☐ Sole Proprietorship, acting herein as
PRINCIPAL, and

(hereafter **SURETY**),

whose principal business address is _____
and who was organized and is existing under the laws of the State of _____,
and licensed to write and perform surety business in the Commonwealth of Virginia, are held and
firmly bound unto the

**COMMONWEALTH OF VIRGINIA,
DIRECTOR, DIVISION OF MINERAL MINING
(hereafter **OBLIGEE**),**

in the sum of _____
(\$ _____) Dollars for the payment of which sum the **PRINCIPAL** and
SURETY bind themselves, their heirs, executors, administrators, successors, and assigns, jointly
and severally, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION is such that:

WHEREAS, the **PRINCIPAL** proposes to commence mineral mining to be known as

in _____ County(ies) of Virginia; and,

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WHEREAS, the above-named **PRINCIPAL** has submitted [CHECK ONE ONLY]:
☐ Permit Tracking Number or ☐ Permit Number _____, including a mining and reclamation plan, to conduct and reclaim a mineral mining operation, as defined pursuant to Chapter 16 of Title 45.1 of the Code of Virginia, (hereafter, **CODE**), as amended, with its attendant regulations; and,

WHEREAS, the **PRINCIPAL** has chosen to file this performance bond as a guarantee that the reclamation of the land disturbed during this mining operation will be completed as required by the **CODE**, its attendant regulations, and as specified in the permit as issued; and,

WHEREAS, the **SURETY**, and their successors and assigns agree to guarantee the obligation and to indemnify, defend, and hold harmless **OBLIGEE** from any and all losses and expenses which **OBLIGEE** may sustain as a result of the **PRINCIPAL'S** failure to comply with the condition of the obligation;

WHEREAS, obligations guaranteed by this performance bond shall be in effect for the following described lands approved as the permit area upon which initial or succeeding operations will be conducted:

NOW, if the **PRINCIPAL** faithfully completes all reclamation and abatement requirements set forth in the **CODE** and its Permit issued in reliance on this Surety Bond, including the mining and reclamation plan, then this obligation shall be void; otherwise, it shall remain in full force and effect:

- (a) Beginning on the date of the approval and issuance of [CHECK ONE ONLY]
☐ Permit Tracking Number or ☐ Permit Number _____ and until abatement work pursuant to the **CODE** and the permit has been completed to the satisfaction of the **OBLIGEE**; and
- (b) Until the bond is released pursuant to the **CODE**, replaced in accordance with the **CODE**, or until the permit has been transferred in accordance with the **CODE**.

The failure of the **PRINCIPAL** to fulfill the obligations specified by the **CODE** and its permit shall result in a forfeiture of this performance bond according to the procedures described in the **CODE**.

The **SURETY** shall not cancel this bond at any time for any reason, including non-payment of premium or bankruptcy of the **PRINCIPAL** during the period of liability. The amount of the **SURETY'S** liability may be adjusted by the **OBLIGEE** pursuant to the **CODE** for lands covered by this bond.

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The **SURETY** shall give prompt notice to the **PRINCIPAL** and to the **OBLIGEE** of any notice received or action filed alleging the insolvency or bankruptcy of the **SURETY** or of the **PRINCIPAL**, or alleging any violations or regulatory requirements which could result in suspension or revocation of the **SURETY'S** license to do business.

In the event the **SURETY** becomes unable to fulfill its obligations under the bond for any reason, notice shall be given immediately to the **PRINCIPAL** and to the **OBLIGEE**. Any proceeding, legal or equitable, under this bond must be instituted in a Virginia court of competent jurisdiction and shall be governed by the laws of the Commonwealth of Virginia.

Upon the incapacity of the **SURETY** by reason of bankruptcy, insolvency, or suspension or revocation of its license, the **PRINCIPAL** shall be deemed to be without bond coverage in violation of the **CODE** and subject to enforcement actions described therein.

I. BY COMPANY/PRINCIPAL:	
_____ (SEAL) By: _____ Company /Principal	Company/Principal Official
_____ Title	_____ Date
Subscribed and sworn/affirmed to before me by _____, this _____ day of _____, 20____, in the City/County of _____.	
	_____ (SEAL) Notary Public
My Commission expires _____, 20____.	

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II. BY SURETY: Attach copy bearing seal of Power of Attorney or documentation supporting Corporate Officer's authority to issue surety bond.

_____(SEAL) By: _____
 Surety Name Attorney-in-Fact

 Date Typed Name

**AFFIDAVIT AND ACKNOWLEDGEMENT OF ATTORNEY-IN-FACT
 COMMONWEALTH OF VIRGINIA**

(or, alternatively, Commonwealth or State of _____) CITY/COUNTY OF
 _____, to wit:

I, the undersigned notary public, do certify that _____ personally appeared
 before me in the jurisdiction aforesaid and made oath that he/she is the attorney-in-fact of
 _____, the Surety, that he/she is duly
 authorized to execute on its behalf the foregoing Bond pursuant to the Power of Attorney attached,
 and on behalf of said Surety acknowledged the aforesaid Bond(s) as its act and deed.

Given under my hand this _____ day of _____, 20__.

_____(SEAL)
Notary Public

My Commission expires: _____, 20__.

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III. BY ISSUING AGENT: 1. Attach copy of Agency License and Assignment Card from Bureau of Insurance. 2. Attach verification of individual's authority to sign on behalf of Agency.
Insurance Agency Issuing Surety Bond (provide the following information): Agency name: _____ Authorized agent: _____ Agent address: _____ Office telephone number: _____
IV. DIVISION APPROVAL:
ACCEPTED: _____ Date _____ Division of Mineral Mining